

*Before the*  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, DC 20554**

In the Matter of	)	
	)	MM Docket No. 99-25
Creation of a Low	)	
Power Radio Service	)	RM-9208
	)	RM-9242

To: The Commission

**OPPOSITION TO LETTER REQUESTING FURTHER EXTENSION OF TIME**

Office of Communication, Inc. of United Church of Christ, *et al.*,<sup>1</sup> opposes in the strongest possible terms a fourth additional extension of time for submission of comments in MM Docket No. 99-25, Creation of a Low Power Radio Service (*ALPFM NPRM*≡). The reply comment deadline in this proceeding has now been extended three times, most recently on August 31, for a total of over seventeen weeks.<sup>2</sup> Despite this more than generous treatments of its professed need for greater time, Greater Media, Inc. now once again presses for an additional extension of time to file reply comments.<sup>3</sup> Despite presenting no new reasons for extension, Greater Media renews its request for an extension until November 1st or later, depending on the Commission's release of a Notice of

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<sup>1</sup> UCC *et al.* includes: United Church of Christ, Office of Communications, Inc.; National Council of the Churches of Christ, Communications Commission; General Board of Global Ministries of The United Methodist Church; Department for Communications of the Evangelical Lutheran Church in America; Civil Rights Forum; Libraries for the Future; and Consumers Union.

<sup>2</sup> See *Order*, 14 FCC Rcd 4096 (Mass Med. Bur. 1999) (extending original comment deadline by approximately 6 weeks); *Order*, FCC 99-112 (rel. May 20, 1999) (extending comment deadline by an additional 60 days); *Order*, FCC 99-233 (rel. Aug. 31, 1999) (extending reply comment deadline by an additional 16 days) (*AAug. 31 Order*≡).

<sup>3</sup> Greater Media, Inc., Letter requesting action on outstanding request for extension of time, MM Docket 99-25 (filed Sep. 3, 1999) (*AGreater Media Sep. 3 Request*≡).

Proposed Rulemaking regarding in-band on-channel terrestrial digital audio radio.<sup>4</sup>

Greater Media=s new request contains nothing that the Commission has not already considered in setting current deadlines. Greater Media simply restates that the *LPFM NPRM* has generated too many comments for Greater Media to craft a cogent reply in the time allotted.<sup>5</sup> UCC *et al.* find these arguments no more persuasive than they were when they were made last month. Despite Greater Media=s protestations concerning the difficulty of replying to a voluminous record, UCC *et al.* are ready to file reply comments, including a detailed technical analysis, on September 17th. Moreover, if the New York State Thruway Association can adequately respond with an additional seventeen days, surely companies who are well-versed in low power radio issues, such as Greater Media, can do so.

Although Greater Media refers to its difficulty in retrieving documents from the Commission=s ECFS system,<sup>6</sup> UCC *et al.* are more disadvantaged than Greater Media with respect to the ECFS=s flaws. While the private sector often utilizes the Commission=s commercial contractor, ITS, small, low-budget organizations such as counsel for UCC *et al.* cannot afford these

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<sup>4</sup> Greater Media, Inc., Petition for Extension of Time to File Reply Comments, MM Docket 99-25 (filed Aug. 11, 1999) (seeking 60 day extension or, alternatively, to file reply comments 45 days after the release of an IBOC NPRM).

<sup>5</sup> *Greater Media Sep. 3 Request* at 2.

<sup>6</sup> *Id.* at 2 n. 1.

expensive, private sources of information.

Greater Media also asserts that AUSDAR [sic] filed comments in support of Greater Media=s extension request which do not appear to have been considered by the Commission.<sup>7</sup> The Commission clearly did address USADR=s concern over the development of In Band On-Channel Digital Audio Broadcasting (AIBOC DAB≡). Paragraph 4 of the Commission=s *Aug. 31 Order* explicitly references Greater Media=s arguments concerning IBOC DAB, which USADR supported.<sup>8</sup> Moreover, in paragraph 8 of the *Aug. 31 Order*, the Commission left ample opportunity for technical information about IBOC DAB to be included in its consideration of LPFM.<sup>9</sup> The Commission also cited concerns over IBOC DAB as a reason for deferring Greater Media=s request (rather than rejecting it outright) barring Asubsequent developments or additional [technical] information.<sup>10</sup> As demonstrated above, Greater Media has presented no such new developments or information, and thus has not met the standard set forth by the Commission.

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<sup>7</sup> *Id.* at 1.

<sup>8</sup> *Aug. 31 Order* at & 4.

<sup>9</sup> *Id.* at & 8.

<sup>10</sup> *Id.* at & 4.

As UCC *et al.* have pointed out previously,<sup>11</sup> further delay in this case favors one group of advocates over another. Opponents of low power radio are attempting to use delay to serve their policy goals. The Commission has generously agreed to their requests three times, causing an extension of the deadline for reply comments of 121 days. The Commission=s delayed release of a response to Greater Media=s previous request -- waiting until the day before reply comments had been due -- has already severely harmed many grass-roots organizations and individuals who were not aware that a request for an extension had been filed, let alone that one was likely to be granted.<sup>12</sup> These individuals and organizations worked through the weekend and late into the night attempting to meet the Commission=s deadline, only to discover that an extension had been granted. UCC *et al.* have also expended enormous resources in an effort to meet the prior reply comment deadline of Sep. 1, 1999.

Citizens have been denied access to the airwaves for considerably longer than IBOC proponents have awaited an IBOC rulemaking. Parties with much fewer resources and much more to lose stand ready to comply with the present deadlines. The Greater Media request should not be granted.

Respectfully submitted,

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<sup>11</sup> United Churches of Christ, *et al.*, Opposition to Petition for Extension of Time, MM Docket 99-25 (filed August 16, 1999), at 3.

<sup>12</sup> The FCC=s web site that is designed to give information to lay people on LPFM, found at <http://www.fcc.gov/mmb/prd/lpfm/>, did not notify the public of Greater Media=s request until more than two weeks after it was submitted.

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September 8, 1999